

# **'Stateless Stakeholders: Seen But Not Heard?'**

## **The Case of the Sama Dilaut in Sabah, Malaysia**

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## **SUMMARY**

Natural resource management and local livelihoods constitute an integrated and complex area of study, frequently involving multiple stakeholders with competing interests and priorities. It is widely acknowledged that some stakeholders have more power and more influence than others. Stateless people, vulnerable due to their lack of citizenship, are often excluded from decision-making processes that affect them.

The Sama Dilaut (also known as Bajau Laut) are a largely stateless maritime community living in the coastal region of the east Malaysian state of Sabah. This dissertation investigates how the condition of statelessness affects the extent to which meaningful participation in marine conservation management can occur, and how institutions involved in this management perceive and respond to stateless people. By focusing on stateless people without political recognition in Malaysia, this study contributes to an increased understanding of the vulnerable position of stateless people in a multi-‘racial’ country and the dynamics of natural resource management involving multiple stakeholders.

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## ABBREVIATIONS

|       |                                               |
|-------|-----------------------------------------------|
| BCAS  | Borneo Child Aid Society                      |
| CTI   | Coral Triangle Initiative                     |
| DFID  | Department for International Development      |
| MNLF  | Moro National Liberation Front                |
| MCS   | Marine Conservation Society                   |
| MPA   | Marine Protected Area                         |
| NRM   | Natural Resource Management                   |
| NTZ   | No Take Zone                                  |
| PA    | Protected Area                                |
| PCA   | Priority Conservation Area                    |
| RCI   | Royal Commission of Inquiry                   |
| RM    | Ringgit Malaysia (Malaysian currency)         |
| SCUBA | Self Contained Underwater Breathing Apparatus |
| SIDP  | Semporna Islands Darwin Project               |
| SIP   | Semporna Islands Project                      |
| TSMP  | Tun Sakaran Marine Park                       |
| UNDP  | United Nations Development Programme          |
| WWF   | World Wide Fund for Nature                    |

## GLOSSARY

|                             |                                                                                                 |
|-----------------------------|-------------------------------------------------------------------------------------------------|
| <i>a'a</i>                  | people                                                                                          |
| <i>a'a déa</i>              | land or shore people                                                                            |
| <i>a'a dilaut</i>           | sea people; see also Sama Dilaut                                                                |
| <i>agar-agar</i>            | seaweed                                                                                         |
| <i>darat</i>                | land                                                                                            |
| <i>déa</i>                  | ashore, inland                                                                                  |
| <i>dilaut</i>               | of the sea                                                                                      |
| <i>kampong</i>              | village                                                                                         |
| <i>ketua kampong</i>        | village head                                                                                    |
| <i>laut</i>                 | sea                                                                                             |
| <i>luwa'an</i>              | derogatory term for Sama Dilaut, used by Tausug/Suluk. Lit. 'that which is vomited or spat out' |
| <i>magosaha</i>             | Lit. 'to seek a livelihood'                                                                     |
| <i>pala'u/palauh/palu'u</i> | derogatory terms for the Sama Dilaut used in Malaysia                                           |
| <i>Panglima</i>             | honorific title bestowed on influential regional leaders in Sulu                                |
| <i>pewaris</i>              | heir or land-claimant                                                                           |
| <i>pulau</i>                | island                                                                                          |
| <i>Sama Déa</i>             | Sama of the land                                                                                |
| <i>Sama Dilaut</i>          | Sama of the sea                                                                                 |
| <i>Sama Kubang</i>          | Sama-Bajau of Semporna                                                                          |
| <i>Tuhan</i>                | Supreme diving being                                                                            |

## PREFACE

The purpose of this dissertation is to explore the relationship between natural resource management and statelessness. Through this exploration, I hope to contribute to an understanding of the complexities and competing agendas involved in the conservation of marine protected areas and sustainable livelihoods. I do so by using the condition of statelessness to investigate how some stakeholders are marginalised from participatory processes and I challenge some of the assumptions that marine protected areas (MPAs) can provide a win-win solution for conservation and sustainable development.

The principal sources used for this dissertation have been the work of academics in the fields of natural resource management, statelessness and participation. I have also drawn upon published and unpublished material from policy makers and practitioners working in marine conservation, as well as using data collected from my own primary research.

I owe many thanks to Dr. Elizabeth Harrison for clear, encouraging and insightful supervision of my dissertation. Her comments and support throughout the process have been greatly appreciated. I am indebted to Dr Greg Acciaioli and Dr Julian Clifton from The University of Western Australia for entertaining this amateur anthropologist's endless musings on 'stateless stakeholders', and for their instructive guidance and encouragement over the last year. I am also grateful to Dr Christophe Béné from the Institute of Development Studies, UK who kindly provided informal supervision. My fieldwork would not have been possible without the linguistic and liaison skills of Armstrong bin Taha, to whom I give my thanks for his friendship, patience and calm manner while assisting with interpretation to and from the Sama-Bajau language.

Others who deserve thanks and recognition include: Professor Clifford Sather, whose seminal monograph of the Bajau Laut of Semporna has been a vital resource for the last ten years, and Mohamad Said Hinayat from the United Sabah Bajau Organisation (USBO), both of whom offered their expert opinions on the ethnolinguistic details in

this dissertation, Dr Elizabeth Wood from the Marine Conservation Society and my colleagues during the years I worked on the Semporna Islands Project, the management and field staff of Sabah Parks in Kota Kinabalu and Semporna, Sebastian Hope through whose writing I was first introduced the Sama Dilaut, Torben Venning and Terence Lim who have both been allies in advocating for the Sama Dilaut in Sabah.

Finally, a word of thanks and gratitude to my parents for their unending love and support. My work is dedicated to the memory of my Sama Dilaut father, the late Panglima Sarani bin Karundung, who adopted me into his family and remains a constant source of inspiration. His descendants (and the wider Sama Dilaut 'community') are now my motivation.

This dissertation is my original work, and where appropriate the work of others has been acknowledged in the text. Although I am indebted to the people mentioned above and many others who have helped me along the way, I take full responsibility for the contents of this dissertation, and any mistakes remain my own.

## INTRODUCTION

*Mutual learning in the spirit of humility among peoples of diverse cultures, traditional, and religions is what the world today most needs. The industrialized capitalist nations tend to take it as gospel that if some people win, others must inevitably lose. The fact is that as long as there are losers, there can be no true winners. We must change our way of categorizing people into “winners” and “losers based on the assumption that there must always be losers (Boulding and Ikeda, 2010: 44)*

Current evidence from the Stockholm Resilience Institute shows that humanity is transgressing critical planetary boundaries, especially limits of biodiversity loss, while at the same time falling far below social boundaries, as evidenced in the shortcomings of the Millennium Development Goals (Rockström et al., 2009). In response there has been a growing movement advocating an increase in protected areas (PAs) to improve the fragile state of our planet and counter the rapid loss of biodiversity worldwide. More recently there has also been considerable attention given to the role of communities in conservation management, as well as the challenge facing conservation managers to reflect the views and rights of communities living in or affected by protected areas (Agrawal and Gibson, 1999; West, 2006).

Protected area management is a diverse and rapidly evolving governance issue, involving increasing numbers of resource-dependent communities. The complex and dynamic nature of stakeholder engagement in conservation reflects this multiplicity of actors (Reed, 2008). However, development and conservation can come at a cost to social systems and local communities, reflected in the principles laid out in agreements on sustainable development such as the Brundtland Commission,<sup>1</sup> Convention on Biological Diversity (CBD), and Millennium Development Goals (MDGs) which prioritise social justice as well as conservation through the recognition

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<sup>1</sup> The Brundtland Commission, formally the World Commission on Environment and Development (WCED), was created in 1987 to address concerns about the deterioration of social and environmental welfare through economic growth (Haddock-Fraser and Hampton, 2010)

of use, access and benefit sharing, and the role of communities in natural resource management (NRM) (Mushove and Vogel, 2005; McShane et al., 2011).

Current approaches to PAs and NRM are influenced by participatory and collaborative methods, now manifest in the project planning documents of almost every present-day conservation project. 'Success' of PAs is equated to the involvement of resource users in the implementation and management of conservation strategies (Djohani, 1996; Clifton, 2009). Frequently however, participatory processes are only considered valid if they verify the objectives or agenda of management authorities, for example environmental conservation and/or economic growth. Therefore, what emerges are seemingly irreconcilable conflicts of interest. In reality, 'trade-offs' are inevitable as communities struggle for their economic, social and cultural rights (West 2006; Gustave and Borchers, 2008; McShane et al., 2011). Furthermore, such struggles may not be overt, resulting in the further marginalisation of some key stakeholders.

The introduction of 'protected areas' and 'conservation zones' and the ensuing conflict of interests, especially in border areas, is further emphasised by the fact that a growing number of nomadic, migratory and refugee communities within protected areas worldwide are classified as 'stateless'.<sup>2</sup> Unable to exercise rights or object to impingements on their livelihoods, the condition of 'statelessness' engenders further exclusion from resource management policies which directly impact on survival (Chatty and Colchester, 2002; Lele et al., 2010; Benjaminsen and Bryceson, 2012). While there is a growing acknowledgement of the rights of indigenous peoples in protected areas (West et al., 2006; Li, 2007), the unique aspect of statelessness which adversely affects already marginalised stakeholders living in and around protected areas, has rarely received attention.

For centuries the Sama Dilaut have plied the waters between the myriad islands of the Sulu archipelago, seeking a livelihood and refuge from danger. Until relatively

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<sup>2</sup> 'stateless' is generally defined as 'persons not considered as a national by any state under the operation of its law' (UN Convention Relating to the Status of Stateless Persons (1954) Article 1(1))

recently the majority were nomadic boat-dwellers who depended entirely on marine resources for their livelihood. Today however, this dependence is often at odds with the priorities of conservation managers who seek to 'zone' land and seascapes in places known as Marine Protected Areas (MPAs) (Majors, 2008; Clifton and Majors, 2011). One of Malaysia's most important MPAs, the Tun Sakaran Marine Park (TSMP) near Semporna in the state of Sabah, represents such a case.

This dissertation critically analyses criteria of 'success' in natural resource management, examines tension around competing interests, and considers if and how some interests may be irreconcilable. After discussing relevant literature from anthropology, development studies, biodiversity conservation and protected area management, I will reflect on whether some stakeholder groups are pushed further to the margins, if this trend is inextricably linked to the condition of statelessness, and how this plays out in the context of an MPA. TSMP will be used as a case study to explore the positions of the multiple stakeholders involved in its management, especially the stateless Sama Dilaut population, a key stakeholder group whose members live in and around the Park.

The main questions that the following chapters will ask are:

- What are some of the implications of statelessness on resource use and conservation management and policy?
- How are 'stateless' people in the Malaysian state of Sabah portrayed by the state, non-governmental organisations (NGOs), and other stakeholders?
- How do the Sama Dilaut interact with the TSMP management and NGOs regarding regulations (including the 'zoning'<sup>3</sup> plan) for the Park?
- What perceptions and processes serve to sustain the stateless position of the Sama Dilaut?

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<sup>3</sup> Zoning is an accepted tool in park management, as demonstrated by the highly successful Great Barrier Reef Marine Park in Australia. TSMP is the first Marine Park in Malaysia to introduce a zoning scheme.

Following this introduction, Chapter 1 explores important themes in conservation and development, including participation and stakeholder involvement in NRM. It also introduces the condition of statelessness. Chapter 2 gives a background to the issues, including a reflection on positionality and my personal involvement in TSMP, which provides the empirical context for discussion. This is followed by elucidation of my methodology and details of field research conducted in July 2013. This chapter also covers aspects of ethics and safety.

The physical setting of TSMP is described in Chapter 3, along with an introduction to various stakeholder groups, including the Sama Dilaut. After placing them in an historical context and focusing on their vulnerable position as stateless people in Malaysia, the lens of conservation and protected areas is used to examine the vulnerabilities associated with the condition of statelessness and how inequalities are reinforced by this condition. Chapter 4 considers forces which act as barriers to inclusion and perpetuate the stateless position of the Sama Dilaut. A discussion on my findings, why they appear to be at odds with the established narratives of NGOs and Park Management, and consideration of the consequences of the 'disconnect' between park management and the resident population then follows.

## **CHAPTER ONE: PARKS, PEOPLE AND PARTICIPATION - THE CHALLENGES OF NATURAL RESOURCE MANAGEMENT**

This chapter weaves together various interconnected themes which underpin the empirical case and discussion. There is an extensive literature on the involvement of communities in the conservation and management of PAs, often focusing on indigenous peoples (Agrawal and Gibson, 1999; Berkes et al., 2000; Berkes, 2004; Bicker et al., 2004; Chapin, 2004; West, 2006; West et al., 2006; Li, 2007; Reed, 2008; Sodhi et al., 2008). Aside from Chatty and Colchester's (2002) concentration on conservation and mobile peoples, there has been little academic research exploring the connections between conservation management and statelessness. Drawing selectively from the wide literature on stakeholder consultation and participation in NRM, I will articulate the extent to which the condition of statelessness disables key stakeholders from actively participating in resource management, and how institutions involved in this management respond to stateless people. This study attempts to move anthropological and conservationist theories of stakeholders beyond the problematic frameworks of 'community', 'marginalised or minority groups', and 'resource users' which overlook lack of recognition by the state and thus denial of access to rights and representation allowed by citizenship.

### **1.1 Participation**

Classical approaches to environmental protection, often known as 'fortress conservation', saw the complete separation of humans and nature as the only condition under which conservation was possible (Brockington, 2002; Lele et al., 2010). Current conservation policy however, has moved away from these exclusionist models and despite challenging the high prominence of science and technical solutions to environmental management, approaches to conservation have transformed from being unilateral to more devolved, community-based, and participatory, with state actors and NGOs working alongside resource users (Pomeroy, 1995; Pomeroy et al., 2001; Elliott et al., 2001). Participatory mechanisms are now a standard approach to NRM in a world where social and economic factors

are increasingly seen as key to conservation 'success' (Berkes 2007: 22). The normative stance advocates, sometimes from a human rights-based approach, that people should be involved in decisions that affect them (Djohani, 2006: 260; Clifton, 2009; Allison, 2011). Nevertheless, in current debates, some environmental ethicists and conservation biologists have recently proposed a return to a more exclusionary stand against local communities living in the vicinity of protected areas (Erb and Acciaioli, 2008: 143).

Recently 'participation' itself has also been challenged as merely a rhetorical layer on conventional development practice. Whether 'community participation' is ever really possible, due to the methodological complexities of power dynamics, issues of visibility and audibility, conflicting interests, as well as the quality of participatory processes, has also been debated (Foell et al., 1999). Participatory approaches have been criticised for eliciting the participation of the most visible and powerful (i.e. the 'elite') while failing to facilitate meaningful representation by marginalised groups. Mosse (2005) provides a critical review of participatory processes using an ethnographic example of how policy and politics unfold in practice, while Cooke and Kothari (2001) have posited whether in fact the origins of participation enable its outcomes to be justified as either value-neutral or by validating the agendas of certain stakeholders. They ask boldly whether, in fact, participation is 'the new tyranny?' (Cooke and Kothari, 2001). Regardless, it remains widely acknowledged that local involvement in the formulation and management of strategies is a fundamental prerequisite for sustainable and 'successful' development projects (Chambers, 1994, 1997; Cleaver, 2012).

In light of this debate, there is now considerable focus on sub-categorisations of participation. In their report for the World Bank on 'Localising Development', Mansuri and Rao (2013) explore distinctions between 'induced' and 'organic' participation. Using case studies they demonstrate that asking questions is not the same as providing a safe and just space and empowering people (especially the most poor and marginalised) to determine the agenda (Mansuri and Rao, 2013). A

typology of participatory methods used for stakeholder analysis in NRM is also highlighted by Reed et al. (2009).

## **1.2 Stakeholders**

Those involved in NRM, including policy-makers and practitioners, now recognise the importance of contextualisation and the necessity of understanding who is affected by decisions and actions that are taken, and who has the power to influence outcomes. There has been much debate over who and what are stakeholders, with many definitions arising from business management perspectives, but also more recently from the fields of environmental and natural resource management (Mushove and Vogel 2005; Reed, 2008; Reed et al., 2009). Both the UNDP and DFID offer an inclusive, objective and neutral definition of stakeholders as, ‘any individual, group or organisation that will potentially benefit from or be harmed by a proposed development programme or project, and have something to gain or lose if conditions change or stay the same’ (DFID, 2003; UNDP, 2009). This implies that participation in analysis and decision-making is important both in principle (people should be involved in decisions about initiatives that affect them) and practice (interventions are likely to be more relevant, effective and sustainable when stakeholders have helped to develop them).

While participatory approaches to stakeholder analysis can be costly in terms of researcher and stakeholders’ time, they have the capacity to build trust and relationships, and uncover potential biases (Reed et al., 2009: 1946). Processes of stakeholder identification in development and NRM projects often focus on inclusivity and have been used to advocate for the empowerment of certain groups, such as women or others who may be peripheral. One way of identifying which stakeholder groups are accorded greatest recognition is through analysing their relative influence and importance. It has been argued that in the absence of such analysis, there is a danger that particularly powerful and well-connected stakeholders could exert greater influence on decision-making outcomes than more marginalised groups, leading to Robert Chambers and others advocating for methods

such as Participatory Rural Appraisal (PRA) and Participatory Learning and Action (PLA) and asking ‘whose reality counts?’ (Chambers, 1997). Participatory approaches not only facilitate listening to the ‘voices of the poor’, but also promote the ongoing and evolving participation of stakeholders throughout a project’s development (Narayan et al., 2000; Narayan et al., 2001; Narayan and Petesch, 2002). According to Reed et al. (2009: 1935), ‘in this way, the dynamic and potentially conflicting nature of stakeholder needs, priorities and interests can be captured throughout the duration of the project and beyond’. Furthermore, as stakes and stakeholders change over time, stakeholder identification and analysis need to be repeated to account for these changes and avoid the assumption that it is a static and one-off activity at a project’s inception.

Although theoretically, stakeholder analysis implies recognition of the heterogeneity within and between communities (including marginalised and vulnerable groups) in order to mitigate the potential for discord, in reality this is often not the case. This oversight, leading to the simplistic assumption that the ‘community’ is a bounded and defined entity, has been criticised by Agrawal and Gibson (1999). For example, using social categories such as ‘the local community’, ‘women’ or ‘fishers’ undermines the complexity of interests and may directly or indirectly reflect the agenda of development or conservation organisations. It also implies that there are clearly distinct interest groups, whose strengths and needs can be ranked and compared with other stakeholders. Stakeholder participation in conservation management inevitably reflects power dynamics whereby key actors although vocal, may not necessarily have the interests of other stakeholders or overall outcomes of the project as their principal concern. Thus, in the context of NRM, the challenge for conservation managers is to ensure the active involvement of all stakeholders, given that the roles and interests of different stakeholders are likely to be distinct, changing and conflicting (DFID, 2003).

Despite the rhetoric of ‘win-win’ solutions that abound through efforts to achieve conservation goals and ensure sustainable livelihoods for people, trade-offs happen, certain stakeholder groups are marginalised, and conflict is inevitable. McShane et al.

(2011) are unequivocal in their assertion that the nexus of biodiversity conservation and human well-being is about hard choices: ultimately, there will be winners and losers. Who participates and how, reflects both the values and priorities of institutions and the characteristics of stakeholders, often resulting in tension and conflicts, as will be exemplified in Chapter 4.

### **1.3 Statelessness**

The level of active stakeholder participation within a project reflects questions about representation, legitimacy and power with marginality resulting not only from geography, but also in terms of relationships of power. Reed et al. (2009: 1934) emphasise that ‘the debate ... on the definition of stakeholders is in part due to the problem of defining what constitutes a ‘legitimate’ stake’, [and] recognising that legitimacy is an important basis of influence and that clarity is therefore still needed on what constitutes a legitimate and rightful stake’. While historically, the distinction of ‘of the state’ and ‘stateless’ was a social one, anthropology has generally discussed ‘statelessness’ with regards to acephalous societies which have no formal leadership or centralised political authority. Scott (2009: 19) follows an historical trajectory to discuss the formation of ‘state’ and ‘non-state’ spaces (the ‘ungoverned periphery’), by populations who by tradition have actively resisted incorporation into the framework of the classical state, colonial state and independent nation-state.

Today statelessness is a phenomenon which affects approximately 12 million people worldwide (UNHCR, 2012). For stateless people, ‘legitimacy’ and ‘rights’ are everyday issues and the implications of statelessness, including marginalisation and exclusion, are varied and far-reaching (Lynch, 2005). Statelessness and lack of documentation are significant policy issues, yet the everyday experiences of people living under these conditions and the relevance of statelessness to livelihood stability are barely understood.

In general, statelessness has received little academic interest. Recently there has been a growing acknowledgement of its true magnitude and impact, and an

increased interest in statelessness from legal and human rights perspectives (Tucker, 2013). However, it remains indicative of a social problem that is yet to fully emerge onto the international development agenda (Kingston, 2010). To date, there has been limited research into the implications of statelessness for some marginalised and migratory groups including the Bedouin, Palestinians, Rohingya, Roma and hill peoples in Thailand (Chatty, 1996; Chatty, 2006; Lynch, 2005; Blitz and Lynch, 2009; Kingston et al., 2010). The Statelessness Programme based at Tilburg University<sup>4</sup> and the International Observatory on Statelessness<sup>5</sup> have both called for further cross-disciplinary research on the theme of statelessness.

One group of stateless people are the Sama Dilaut<sup>6</sup> of island Southeast Asia (also known as Bajau<sup>7</sup> and Bajau Laut) and overall their stateless condition has been largely disregarded by scholars. Recent literature, following Sopher's (1965) bibliographic review of the 'sea nomads' across Southeast Asia, has focused mainly on cultural identity (Nimmo, 2001; Nagatsu, 2001; Saat, 2003; Nolde, 2009), historical studies (Warren, 1981; Sather, 1997; Tagliacozzo, 2009), religious practices (Bottignolo, 1995), linguistics (Smith, 1984; Pallesen, 1985) and the impacts of modernisation (Warren, 1980; Warren, 1983; Chou, 2003; Gaynor, 2005). In addition, with the exception of Clifford Sather's seminal monograph of the Bajau Laut of Sabah, Malaysia (1997), Carol Warren's monograph (1983) and article (1980) and a few Malaysian publications (for example, Mohd. Yakim, 2007; Saat, 2008), most of the literature thus far has focused on groups in Indonesia and the Philippines.<sup>8</sup>

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<sup>4</sup> The goal of the Statelessness Programme at Tilburg University is to 'fulfil the need for a sustainable centre of expertise, which is dedicated to research, training and outreach in this fascinating field' (<http://www.tilburguniversity.edu/research/institutes-and-research-groups/statelessness/>).

<sup>5</sup> <http://www.nationalityforall.org/>

<sup>6</sup> Although in Malaysia the term 'Bajau Laut' is commonly used to identify boat-dwelling and formerly boat-dwelling people, it is not how the people in question describe themselves. Although 'Bajau' and 'Bajau Laut' have become established in ethnographic and other literature, I am following Nimmo's (2001: 1-2) appeal that 'Sama Dilaut', their autonym, now become established, as the name for the sea-dwelling people of the Sulu archipelago and eastern Borneo. Furthermore, personal correspondence with Clifford Sather has revealed that were he to write his book (1997) today, he would refer to the subject of his research as the 'Sama Dilaut' (Clifford Sather, pers. comm.).

<sup>7</sup> The term 'Bajau' often appears in the literature in its variant forms, including Badjao, Bajao, Badjaw, Bajau, and Badjau.

<sup>8</sup> As this dissertation is being written, a team of researchers from the University of Western Australia and the University of Queensland, Australia are undertaking a well-timed collaborative and multi-disciplinary research project on the position of stateless stakeholders in participatory governance in

Clifton and Majors (2011) undertook an examination of resource usage and management in an Indonesian MPA from a socio-cultural perspective, looking at aspects of culture, conservation and conflict in recognition of the priorities of Southeast Asian governments in asserting greater control over marginal groups and ethnic minorities (Li, 2007). However, while Clifton and Majors' (2011) research focuses on the Bajau community in Wakatobi National Marine Park, Indonesia, it does not discuss aspects and consequences of statelessness.<sup>9</sup> With reference to marine conservation in Sabah, most research has been from biological, economic or management perspectives and has not explained the relevance of the subjective experiences of individuals. Therefore, it is the experiences of the Sama Dilaut as stateless stakeholders in Malaysia that are further explored in this dissertation.

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the Coral Triangle, with particular reference to the Sama Dilaut in the Tun Sakaran Marine Park (Julian Clifton and Greg Acciaioli, pers. comm.)

<sup>9</sup> The 'Bajau' or 'Bajo' in Indonesia are not generally considered to be stateless and are usually recognised by the Indonesian government as Indonesian citizens.

## CHAPTER 2: CONTEXTUAL DYNAMICS

**Map 1. Location of Tun Sakaran Marine Park, Sabah, Malaysia**



Source: [www.sempornaislandsproject.com](http://www.sempornaislandsproject.com)

### 2.1 Background

The Malaysian state of Sabah on the island of Borneo is a complex area both geographically and socially, and nowhere is this complexity more evident than in the east coast district of Semporna. The Semporna area is globally outstanding in respect of its exceptionally high biodiversity, and its marine resources are recognised as an important heritage that need to be managed sustainably. Yet the town and its many islands are also a telling example of how global objectives in conservation and development can clash with local realities and the agendas of a multiplicity of actors involved in and affected by its management.

As the first MPA in Malaysia to include a resident population who use the resources and own some of the land within its boundaries, the TSMP is in many ways typical of the new model of 'community' involvement in protected area management.

Nevertheless, within conservation planning at the state level, there continues to be the assumption that the 'local community' is a homogenous group; in reality this is far from true. Complex social, economic and biological aspects interact with the variety of stakeholder groups, including significant numbers of non-Malaysians, in Semporna, one of Sabah's most cosmopolitan districts on the edge of a 'fluid archipelago' (Noor, 2013). The high economic potential from the Park (through tourism, seaweed farming and fisheries) means that the state and other stakeholders have strong interests in the area. Those interests regarding the use and control of resources are particularly complex and increasingly contested.

I chose TSMP as a case study due to my existing personal connections and because it reflects many of the broad environmental and social issues facing PA managers. The rapid expansion of both tourism and seaweed farming in the last decade, along with the added dimension of the significant number of non-Malaysian and stateless people living in the area, make the TSMP an intriguing site of study (Wood et al., 2007).

My research interests have been motivated by personal experiences garnered during eight years living and working in Sabah between 2004 and 2012. As the Coordinator of the Semporna Islands Project (SIP),<sup>10</sup> I held a unique and interstitial position, directly involved in multi-level discussions and activities with all stakeholders including the management and communities of TSMP. Whilst living and working in Semporna, I developed an awareness of the complexities surrounding the multiple divisions of 'insider:outsider' at a micro-level. Subsequently, I have realised the need for reflexivity of my own positionality as a foreigner representing a collaborative international conservation project, yet also as a person with whom many community members felt at ease disclosing their orientations and feelings.<sup>11</sup> Reflecting upon his own fieldwork in Sulu, Nimmo (2001: 9) comments that although 'anthropologists

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<sup>10</sup> The Semporna Islands Project is an international collaborative marine conservation initiative which has been working in the region of the Tun Sakaran Marine Park since 1998 ([www.sempornaislandsproject.com](http://www.sempornaislandsproject.com))

<sup>11</sup> This trust has built up over a period of almost 10 years through a variety of interactive environmental education activities as well as spending periods of time living with a boat-dwelling Sama Dilaut family.

have traditionally tried to collect their data objectively... their descriptions of culture are ultimately subjective'. I have considered whether some of the nuanced aspects of working with 'local communities' may have escaped attention within conservation projects. Furthermore, I wonder whether objectivity is possible and if, perhaps, this dissertation represents a personal shift from marine conservationist to campaigner for stateless people such as the Sama Dilaut.

## **2.2 Methodology**

Through an analysis of stakeholder involvement in marine conservation, I have drawn out formal and informal connections, and macro-, meso- and micro- level structures, which reflect power dynamics and relations between different stakeholders, including different ethnic groups in the locality. This research offers a rare examination of the lived experiences - their reality - of people living in an area where there are regulations and restrictions on their access to the resources on which they depend.

My research has been conducted through examination of both primary and secondary sources. With reference to TSMP and the Sama Dilaut, the substantial amount of existing biological and management literature on the area has provided an excellent baseline from which to examine issues of stakeholder participation.<sup>12</sup> I have drawn from material including the Management Plan for the Park (Wood, 2001), reports of socio-economic monitoring, participatory workshops and outreach activities, formal and informal interviews and surveys carried out from 1998 until now, as well as records of my personal observations and interactions during my time based in Sabah (2004 - 2012.) In addition, I returned to the area in June and July 2013, to garner clearer insights into aspects of statelessness and participation of various stakeholder groups, as well as the position of NGOs and the Park management authority (Sabah Parks). I revisited the Park to collect some additional primary data and accompanied an anthropologist from The University of Western

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<sup>12</sup> Publications are available from the website of the Semporna Islands Project (<http://www.sempornaislandsproject.com/pages/publications.htm>)

Australia who was conducting field research into the impact of the Park upon various stakeholders, including the stateless Sama Dilaut.

This mixed methods approach also draws on the perspectives of other stakeholders towards the Sama Dilaut as well as investigating conceptions of a 'Marine Protected Area' from their perspective. I examined how the views of the Sama Dilaut are collected and articulated by NGOs and the state. Strategically chosen semi-structured interviews and open-ended discussions were conducted with key informants, including a succession of TSMP Managers, senior rangers and local field staff from Sabah Parks, NGOs,<sup>13</sup> local and state government,<sup>14</sup> and other stakeholders such as representatives from the tourism industry. These discussions, as well as those with informal local leaders and elders, were possible due to my previous connections and relations. Although there are limitations to my research methods, as they were largely purposive and opportunistic (based on personal contacts and who was available and interested in speaking with me during the time I was in their village), the opportunity to return to the area after a year away and pursue certain issues and concerns that seemed to merit clarification was of considerable value. Hence, qualitative methods offer the best means to gain insights into complex and contentious issues within close-knit 'communities' such as the Sama Dilaut.<sup>15</sup>

These methods have allowed me to explore social complexities and enhance my understanding of the involvement of stateless stakeholders in conservation. As emphasised by Moshove and Vogel (2005: 184) 'it is necessary to first understand the social, cultural and economic relationships in different situations in order to design and implement rural development, poverty alleviation and biodiversity conservation initiatives'.

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<sup>13</sup> NGOs working in the area include the Semporna Islands Project, WWF-Malaysia, Borneo Child Aid Society and Reef Check Malaysia with all of which I have close personal connections.

<sup>14</sup> These include Sabah Parks, the Sabah Chief Minister's Office, the Semporna District Office, the Department for Native Affairs Sabah, the Ministry of Tourism, Culture and Environment Sabah. I have personal contacts in each of these government departments.

<sup>15</sup> I use the term 'community' here with some trepidation, as the Sama Dilaut are a highly fragmented people who can, at best, constitute a quasi-community and often operate more like a regional network. My thanks to Dr Greg Acciaioli for highlighting this.

I have drawn upon findings collected during the period 2005 to 2012 as well as my most recent visit in June-July 2013 and some of these are used in the discussion in Chapter 4. As I am conversant in the national language of Malaysia, Bahasa Malaysia (a standardised form of Melayu or Malay), this was the language used for discussion and interviews where possible. My comprehension of the Sama-Bajau language used by the Sama Dilaut is currently limited and therefore I engaged the assistance of an interpreter for discussions that were conducted in the Sama-Bajau language. Material collected was subsequently translated into English.

### **2.3 Ethics and Safety**

Free, prior and informed consent was of the utmost importance given the sensitivity of the topics being discussed and vulnerable position of some informants. This was sought through the attached information sheet (Appendix 1) but also acquired orally where appropriate. I was explicit about myself and the purpose of my visit in June/July 2013, given my previous connections with the area and my former position as the Coordinator of the Semporna Islands Project.

2013 has been significant year for social relations in Malaysia. In February 2013 there was an incursion<sup>16</sup> of eastern Sabah by rebels from the southern Philippines, pursuing a 300-year old claim to Sabah on behalf of a claimant to the current position of 'Sultan of Sulu'. The conflict (also referred to as the 'Lahad Datu Standoff') lasted for almost two months resulting in loss of lives on both the Philippine and Malaysian sides. Partly as a result of this confrontation, but also due to the ongoing 'Royal Commission of Inquiry on Illegal Immigrants in Sabah' (RCI),<sup>17</sup> security of national borders and a focus on non-Malaysians in Sabah remains high. This was recently highlighted by the Sabah media in an article about a 'major crackdown on illegal immigrants', in which the Chief Minister of Sabah was quoted as

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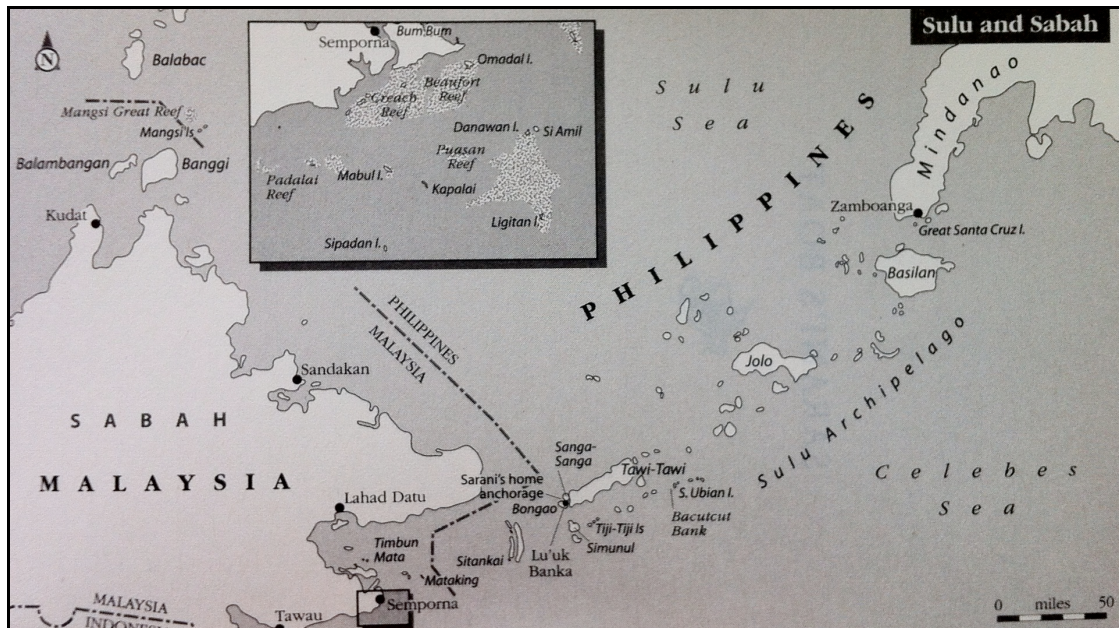
<sup>16</sup> Many Malaysians now refer to this incident as a 'terrorist attack', a portrayal perpetuated by the media (*Borneo Insider*, 2013).

<sup>17</sup> The RCI, was formed in August 2012 to investigate the long-standing problems relating to citizenship and immigrants in Sabah. The inquiry is closely related to 'Project IC', the alleged systematic granting of Malaysian citizenship through the issuance of 'IC' (Identity Cards) to foreigners in Sabah. It is expected to conclude in September 2013.

saying that ‘the government hopes that the water villages, especially on the east coast of the State, will be cleared of illegal immigrants so as to ensure the safety and harmony of the locals’ (*Daily Express*, 2013). Moreover, Malaysia held its 13<sup>th</sup> General Election in May 2013 with the *Barisan Nasional* coalition, Malaysia's ruling party since independence, narrowly retaining power amid demonstrations for free and fair elections. The sensitivities around citizenship and statelessness were therefore forefront in my mind during fieldwork and I was diligent not to further endanger the already vulnerable stateless people living in and around TSMP. I have kept all field notes strictly confidential and have used pseudonyms to maintain anonymity.

### CHAPTER 3: TUN SAKARAN MARINE PARK, SEMPORNA, SABAH

**Map 1. East coast of Sabah and the Sulu Archipelago**



Source: Hope (2000: 2)

**Malay: *Semporna*: *adj.* perfect; having no fault; flawless** (Pelanduk, 1997)

#### **Physical Dimensions to the Park**

The coastal town of Semporna sits at the tip of a peninsula which forms the southern edge of Darvel Bay, jutting out into the Sulawesi Sea. The islands and reefs are of volcanic origin representing, geologically, a continuation of the Sulu tectonic arc that extends eastwards through the Sulu archipelago of the Philippines (Kirk, 1962: 3 in Sather, 1997: 24). The area is famed for its outstanding natural beauty both above and below the water, as in this passage from the tourism literature: 'pretty as a picture postcard, these islands are, for many, a chance to escape from reality' (Tierney and Tierney, 2009: 129). Conversely, this region has also, for centuries, been an area of contested territorialities and power struggles (Warren, 1981; Noor, 2013). In the late nineteenth century, Semporna was a major centre for the regional trade of not only sea produce but also slaves. Just north of Semporna, an Illanun chief known as Datu Kurunding, founded a staging base for his pirate raids along the northern Borneo coast (Black, 1983: 23 in Sather, 1997: 45). Although piracy was

very much a part of centuries past, nowadays pirates are still regarded as the greatest danger faced by fishermen at sea. Whilst I was conducting fieldwork in July 2013, the local media reported the shooting of a fisherman in an attempted robbery at sea (*Borneo Post*, 2013a). The secluded Bodgaya lagoon at the centre of TSMP has also been the scene of violent crime, with the murder of a Japanese Pearl Farm manager in 1993, and more recently the as yet unsolved murder of a Sabah Parks ranger in 2011 (*Daily Express*, 2011).

**Map 3. Tun Sakaran Marine Park and national borders**



Source: [www.sempornaislandsproject.com](http://www.sempornaislandsproject.com)

Current nation-states now overlay the historical realm of the Sulu Sultanate. Dotted with islands, the 'Sulu Zone' (Warren, 1981) has been the historical fishing ground of the migratory and more recently semi-sedentary, Sama Dilaut people for centuries. Written records indicating the presence of 'sea nomads' in the area date back to the sixteenth century (Sopher, 1965; Sather 1997: 12). Where the Sulu and Sulawesi Seas meet, joining the islands of the southern Philippines, the west coast of Sulawesi, and the east coast of Borneo, the Sama Dilaut have navigated the reefs and islands and,

traditionally, rarely set foot on land. The offshore islands were settled well over one hundred years ago, although marine and terrestrial resources were probably being used long before this time (Wood, 2001).

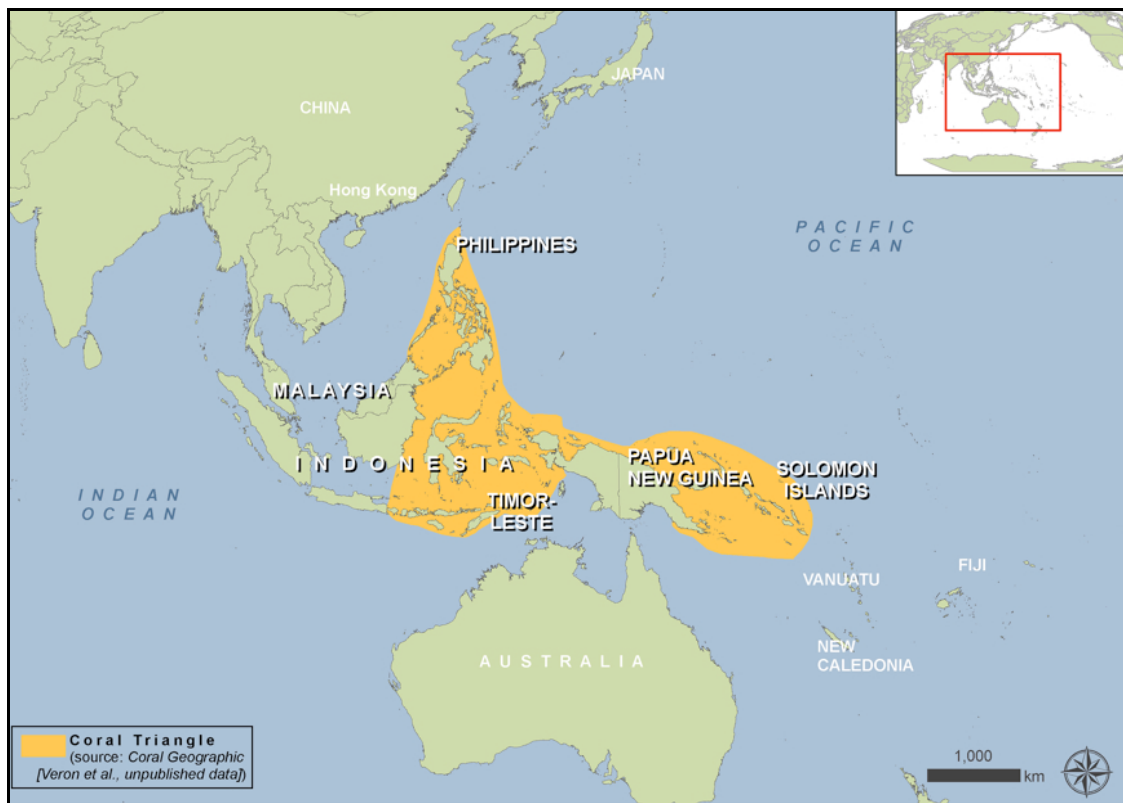
Today it is these rich ecosystems - coral reefs, mangroves, sea-grass beds and tropical forests - that provide the livelihood basis for small-scale fishers and their dependents, incomes for those in the SCUBA diving and eco-tourism industry, as well as supplying an important fishery for the wider southeast Asian region (Yeo, 2008). The coastline and islands are recognised as the epicentre of the Coral Triangle<sup>18</sup> and a 'hotspot'<sup>19</sup> of marine bio-diversity (Myers, 1988). However, in recent times, as pressure on the environment has increased along with the population, a tension has arisen around competition for the natural resources of the area. This has led to unsustainable levels of extraction. According to a report on 'Reefs at Risk in South East Asia' (Burke et al., 2008: 39), 85% of Malaysia's reefs are currently threatened from human activities and in urgent need of conservation (Miclat et al., 2006: 599). Simultaneously, protecting the environment, safeguarding livelihoods and ensuring the economic growth of the area all constitute 'success' in competing management agendas (SEDIA, 2007).

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<sup>18</sup> The 'Coral Triangle' is a geographical term referring to a roughly triangular area of the Western Indo-Pacific Ocean and including the tropical waters of six countries. According to WWF, it is the global centre of marine biodiversity and a global priority for conservation ([http://wwf.panda.org/what\\_we\\_do/where\\_we\\_work/coraltriangle/](http://wwf.panda.org/what_we_do/where_we_work/coraltriangle/))

<sup>19</sup> British ecologist Norman Myers defined the biodiversity hotspot concept in 1988 to address the dilemma that conservationists face: what areas are the most immediately important for conserving biodiversity? (Conservation International website, n.d.)

#### Map 4. Coral Triangle



Source: Coral Geographic (Veron et al., unpublished data)

Malaysia is one of six countries which in 2007 formed the Coral Triangle Initiative (CTI), a multi-lateral partnership to address urgent threats facing coastal and marine resources.<sup>20</sup> The Coral Triangle encompasses 'ecoregions', large conservation areas defined in biological terms but which often overlap physical and political boundaries. The World Wide Fund for Nature (WWF) were instrumental in developing the regional Sulu-Sulawesi Marine Ecoregion (SSME),<sup>21</sup> which includes the Semporna Priority Conservation Area (PCA).<sup>22</sup> The overarching vision of these programmes is the synergy of biodiversity conservation with sustainable development, through participatory and collaborative management and equitable benefit sharing.

<sup>20</sup> <http://www.coraltriangleinitiative.org/>

<sup>21</sup> <http://www.sulusulawesi.net/>

<sup>22</sup> The Semporna PCA is approximately 7,680 square kilometres in size and includes not only TSMP but also the infamous SCUBA divers' haven, Sipadan Island Park (gazetted in 2009 and management by Sabah Parks), as well as other islands comprising tourism resorts and resident populations such as Mabul.

### 3.1 The Promise of Participation

The importance of the coral reefs in the area was first recognised in the 1970s by scientists from the UK and in 1977 an initial proposal for the establishment of a State Park in the area was made (Wood, 1979). This proposal was deferred due to numerous claims for land compensation that could not be met, perhaps an early indication of the challenges for conservation management that lay in wait (SIP website).<sup>23</sup> The intervening period between identification of the conservation importance of the site and its gazettment as a state Park in 2004 saw no fewer than three unsuccessful attempts to protect the area. The barriers to gazettment came mainly from members of the local community who objected to the perceived loss of access to and income from the natural resources, as well as political tension within the state government. Regardless, the area was suffering the legacy of decades of unregulated resource extraction and destructive fishing, especially fish-bombing.<sup>24</sup>

Although globally the introduction of PAs and restrictions on resource use have sometimes inhibited communities living within and surrounding such areas from meeting their livelihoods needs (Gustave and Borchers, 2008), the design of the Semporna Islands Park<sup>25</sup> promised the active participation and involvement of local people. Despite the chequered relationship history between the state government and the local community over protection of the area, in 1998 the Semporna Islands Project (SIP) was launched to try to solve these problems. The objectives of the Semporna Islands Project were to ‘place particular emphasis on involving local people and other stakeholders, and to demonstrate the potential benefits of taking positive action to promote conservation and resource management’ (SIP website).

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<sup>23</sup> To this day there are numerous competing claims of ‘heirs’ (*pewaris*) to several of the islands included in the Park.

<sup>24</sup> Fish bombing (also known as blast- or dynamite fishing) is the practice of using explosives to stun or kill fish for easy collection. This illegal practice is extremely destructive to the surrounding ecosystem, as the explosion destroys the underlying habitat (usually coral reefs) that supports the fish. The frequently improvised nature of the explosives used endangers the fishermen, often resulting in serious injuries.

<sup>25</sup> When it was finally gazetted in 2004, the ‘Semporna Islands Park’ was renamed the ‘Tun Sakaran Marine Park’ in recognition of the then Sabah Head of State, Tun Sakaran bin Dandai, who originates from Semporna (Elizabeth Wood, pers. comm.).

SIP was initially a three-year collaborative programme, spearheaded by the UK-based Marine Conservation Society (MCS), WWF-Malaysia and Sabah Parks (the state government agency responsible for protected area management). The first phase of the Project (1998 – 2001) included ‘community consultation’ and culminated in the production of a draft Management Plan for the Semporna Islands Park (Wood, 2001). In 2004, an area encompassing 35,000 hectares, eight islands, over a hundred kilometres of reef and inhabited by a resident population of approximately 2,500 people<sup>26</sup> was gazetted as the Tun Sakaran Marine Park and is currently the largest MPA in Sabah.<sup>27</sup>

According to socio-economic monitoring of the population of the Park, conducted by SIDP<sup>28</sup> in 2006, the occupation of almost the entire resident population of the Park revolved directly or indirectly around the natural resources of the area (Wood et al. 2007: 41). At that time, no one living in the Park was receiving any sort of income from tourism or Marine Park activities (for example, as boat operators or guides). The main activities were seaweed farming, fishing, and cultivation of fruit, vegetables and other plants. 83% of households in the Park had an income of less than RM600 (approximately £110) per month; the income of the Sama Dilaut was significantly lower than that of groups who were engaged in seaweed farming. Additionally, in 2006 only 17% of the Park’s population were recognised as Malaysian citizens, whereas 43% held a variety of official and unofficial documents (including 16% with the IMM13 ‘refugee pass’). The remaining 40% of respondents had no documents whatsoever (rendering at least half of the population effectively ‘stateless’). According to the census, 14% of respondents were ‘Bajau Kubang’ or ‘Bajau

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<sup>26</sup> The census of the Park carried out in 2006 recorded the population at 2,510, of which an estimated 1,306 were adults and 1,204 were children (under 18 years old) (Wood et al., 2007: 3). However, it is projected that the population has increased in the last 7 years.

<sup>27</sup> At 1.02million hectares, the proposed Tun Mustapha Park (off the northern tip of Sabah) will dwarf Tun Sakaran Marine Park, once it is gazetted (expected in 2015).

<sup>28</sup> Phase 2 of the Semporna Islands Project was launched in 2005, and was grant-aided by the Darwin Initiative through funding from the UK Department for Environment, Food and Rural Affairs (DEFRA) until 2008. Managed by MCS in collaboration with Sabah Parks, it became known as the Semporna Islands Darwin Project (SIDP), and was subtitled ‘Community Action for Sustainable Use and Conservation of Coral Reefs in the Tun Sakaran Marine Park’, with the objective of taking forward recommendations made in the draft Management Plan for the Park.

Semporna', 46% were Suluk/Tausug, and 40% were various sub-divisions of 'Bajau Laut' (Wood et al., 2007: 4).

**Table 1.** Classification of terms used for ethnolinguistic groups in the Sulu region

| As used in this dissertation for the Sabah/Semporna context | In the Philippines                          | In Malaysia                                                                             | As used by the Sama Dilaut                                                            |
|-------------------------------------------------------------|---------------------------------------------|-----------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Suluk                                                       | Tausug                                      | Suluk<br>Tausug                                                                         | Tausug                                                                                |
| Sama Kubang<br>Bajau Kubang                                 | Samal<br>Samar<br>Sama                      | Bajau<br>Bajau Darat<br>Bajau Kubang<br>Bajau Asli (original Bajau)<br>Bajau 'mainland' | Sama + toponym<br>Sama Déa<br>A'a Déa (Land people)<br>A'a Sama (Sama people)         |
| Sama Dilaut                                                 | Sama Dilaut<br>Bajau<br>Luwa'an (by Tausug) | Bajau Laut<br>(Bajau) Pala'u<br>(Bajau) Pala'uh<br>(Bajau) Palu'u<br>'sea gypsies'      | Sama Dilaut<br>Sama Mandelaut<br>Sama To'ongan (True Sama)<br>A'a Dilaut (Sea people) |

(Adapted from Brunt, 2003: 6)

### 3.2 Contestations of 'community'

*Emerging differences of rank and political status were invested with cultural significance and ascribed to differences of language, culture, and origin. As a result, ethnicity became the dominant medium through which the social order was interpreted and acted upon, and increasingly it came to determine, as it still does, the ways in which inequalities of power and status are subjectively experienced from within (Sather, 1997: 43).*

In his research on inequalities in society, Wilkinson (1996: 139) states: 'no doubt an important part of why social systems avoided competition for access to essentials

was to remove a source of conflict. The social conflict resulting from individuals or groups barring each other from access to essentials had to be avoided at all costs'. Yet this is far from the case in Semporna, one of the most politically and culturally complex parts of Malaysia with a distinct polyethnic hierarchy.<sup>29</sup> In order to appreciate the heterogeneity in the area, it is necessary to understand the cultural history of those who now comprise the population in and around TSMP, given that the 'local community' is by no means a homogeneous group. As Agrawal and Gibson (1999) observed, this is a recurrent shortcoming in NRM, with the term 'community' masking a great deal of complexity.

Culturally, the Sama Dilaut of Semporna belong to a much larger ambit of Sama-Bajau speakers. Included within this are not only sea-nomadic and formerly nomadic groups, such as the Sama Dilaut, but also shore- and even land-based peoples. Speakers of the estimated ten Sama-Bajau languages are arguably considered to be the mostly widely dispersed ethnolinguistic group indigenous<sup>30</sup> to insular Southeast Asia (Sather, 1997:2). In Sabah, Sama-Bajau speakers are generally known as 'Bajau', or 'Bajau *Darat*' (Land Bajau) and 'Bajau *Laut*' (Sea Bajau), and can be found on both the east and west coasts of the state. In general, west coast Bajau are less sea-oriented than those of the east coast (Sather, 1997: 4). When used as an ethnic label in self-reference, the term 'Sama' is normally used with a marker indicating the speaker's geographical and/or dialect affiliation. In the wider Sulu area, comprising eastern Sabah and the southern Philippine islands, boat-dwelling groups and those with a recent history of boat-nomadism commonly identify themselves as 'Sama *Dilaut*', the Sama 'of the sea' (*laut*), in contrast to 'Sama *Déa*', the Sama 'of the land' (*déa*) by which they refer to all shore-and land-dwelling groups living around them. (Sather, 1997: 5-6). Semporna is the only district in Sabah in which the Bajau (Sama) form an absolute majority and is one of the heartlands of Sama-Bajau speakers, as

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<sup>29</sup> 'polyethnic hierarchy' is a phrase coined by Barth (1969:16-17) by which he depicts 'a market place, under the control of a state system dominated by one of the groups, but leaving large areas of cultural diversity in the religious and domestic sectors of activity'. This accurately describes the ethnic stratification in Semporna.

<sup>30</sup> Definitions of 'indigenous' remain elusive, and ironically, despite their long history in the area, the Sama Dilaut are not considered 'indigenous' to any nation-state in Southeast Asia.

well neighbouring speakers of Tausug<sup>31</sup>, who are known as ‘Suluk’ people in Sabah (for further analysis of Sama-Bajau languages and their speakers, see Smith, 1984; Pallesen, 1985; Sather, 1997: 8-12; Brunt, 2003).

### **Sama/Bajau Kubang**

One major group of Sama-Bajau speakers, known as the Sama or Bajau ‘Kubang’, identify exclusively with the Semporna region and nowhere else. Due to their numerical dominance and long association with the district, the Sama Kubang are regarded as the original Sama inhabitants of Semporna (Sather, 1997: 31). Despite their intertwined maritime history and heritage, the now long-settled Sama Kubang regard themselves superior to the Sama Dilaut, especially in matters of culture and religion, something validated by the Sama Dilaut who generally see most settled Sama as ‘Sama Kubang’.<sup>32</sup> This is reflected through their political control of communities in the district and nowadays, being Sama or Bajau Kubang is synonymous with being a Malaysian citizen and a Muslim. Sama Kubang make up almost the entire 17% of the Park’s population who are Malaysian citizens. As such, in terms of livelihoods, many Sama Kubang are employed by the local government as civil servants, with others holding positions in public or private enterprises.

### **Suluk/Tausug**

Historically, the Tausug politically dominated the Sulu Archipelago, and more recently have become widely dispersed throughout Sabah where they are known as ‘Suluk’ (Nimmo, 2001: 17). Comprising a large component of the population of Semporna, Tausug or Suluk-speakers also consider the Sulu archipelago, particularly the larger central islands, as their cultural homeland.<sup>33</sup> They identify themselves by a single autonym, with *tau* (people) *sug* or *suk* (current) meaning ‘people of the current’. With the arrival of Islam to the region around the fifteenth century, and the

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<sup>31</sup> Linguistically and culturally, the Tausug or Suluk, are distinctly separate from Sama-Bajau speakers, with the Tausug language categorised as a southern central Philippine language (Sather, 1997: 16).

<sup>32</sup> Categories of ‘Bajau’ or ‘Sama’ used in the district are however very fluid, with their usage depending on context and the user’s own position, as evidenced by the *Ketua Kampong* (village head) of Bangau-Bangau village in Semporna referring to ‘our’ lifestyle in connection with a story about the Sama Dilaut (Bajau Palu’uh) (*Daily Express*, 2013).

<sup>33</sup> In February 2013, followers of a self-proclaimed Sultan of Sulu, invaded Sabah to uphold a 300-year old claim to the area (Patail, 2013).

emergence of the Sulu Sultanate in the late eighteenth century, the Tausug assumed political and economic dominance over the Sama and other ethnic groups of the region, including the sea-nomadic Sama Dilaut (Sather, 1997: 16). Suluks have also historically viewed themselves as culturally superior to subordinate groups of the region, most notably the Sama Dilaut. However, as a result of violent conflict in the southern Philippines from the early 1970s onwards, waves of both Suluk and Sama people have migrated to the relative peace of eastern Sabah.<sup>34</sup> Nevertheless, ethnic stereotypes die hard, and for the Sama Dilaut, a fear of the dominant and sometimes violent character of the Suluks prevails. Amongst the population of the Park, the Suluks are mainly engaged in agriculture as home-gardeners and seaweed (*agar-agar*) farmers, occupations they brought with them from the Philippine Sulu islands.

### **Sama Dilaut/Bajau Laut**

Whether the Sama Dilaut predate the Tausug in the Sulu Archipelago is debatable (Sather, 1997: 17), though what is agreed is that they have had a presence in the area for several hundred years, their movements influenced by climatic conditions, seasonality and the spawning of fish. Pallesen (1985) has documented the movement and settlement of peoples in the Sulu Archipelago and notes that around 700 years ago, the Sama appear to have come into first contact with the Tausug (Pallesen, 1985: 246-7; Nimmo, 2001: 5). The Sama Dilaut have historically been embedded in regional power relations, for example, in patron-client relationships with their more dominant neighbours, the Suluks and Sama Kubang. These relationships traditionally manifested in a protein-starch (fish-cassava/rice) exchange (Sather, 1997: 15). Today, however, while they continue to be highly mobile, true nomadism is rare, and only a few remain boat-dwellers. The situation is dynamic, with settlement of the majority of Sama Dilaut achieved either voluntarily or resulting from state interventions (Lim, 2001: 1).

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<sup>34</sup> Civil unrest in the southern Philippines stemmed from an Islamic insurgency in 1969 when the Moro National Liberation Front (MNFL) waged armed conflict against the Philippine government. Political tensions and open hostilities continue to today.

Within the ethnic hierarchy of the region, the Sama Dilaut have historically occupied the lowest status, beneath the dominant Tausug/Suluk and the multitude of Sama-speaking shore people. This inferior position is largely attributed to their failure to assimilate into Muslim culture, and their migratory or boat-dwelling lifestyle (Warren, 1971: 22; Nimmo, 1972: 11). Reflecting their social and political exclusion, sea-nomadic communities have been identified by outsiders through pejorative terms, such as *pala'u* or *luwa'an*, meaning, literally, 'that which is spat or vomited out' (Sather, 1997: 16; Nimmo, 2001: 18). Without a territorial base of their own, the Sama Dilaut were perceived by neighbours as living outside, and thus only tangentially connected to, the system of personal coalitions that came to define political and economic relations in Sulu. They were effectively 'outcasts', a position mirrored today by their pariah status in Malaysia.

### **3.3 Stateless in Sabah: The case of the Sama Dilaut**

In present-day Sabah, key distinctions are made between 'local' or 'indigenous' ethnic groups, and 'non-locals' or 'foreigners', all of whom should be considered stakeholders in the management of natural resources. As traditionally migratory and semi-nomadic seafarers, the Sama Dilaut have previously had little need for identity documents. However, the Sama Dilaut now comprise a significant number of the 'stateless' people living in Sabah, partly a legacy of the thousands of Sama and Tausug people who arrived in Sabah in the 1970s fleeing civil war in the southern Philippines (Sather, 1997:87; Nimmo, 2001: 225). Assisted by UNHCR at the time, they were originally permitted to stay and work in Sabah under a special 'refugee pass' (IMM13). Subsequently, however, many have slipped into 'irregular' status, as they have been unable to renew this document.<sup>35</sup> Consequently, their children are undocumented and often find themselves stateless (Olsen, 2009).

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<sup>35</sup> IMM13 passes were subject to annual renewal (and fees) but in 1986 Malaysia halted the process when the political situation in the Philippines changed. In 2001 'refugee' status of IMM13 holders was revoked and staying in Sabah became conditional upon securing a work permit (Kaur, 2007: 88).

Many children born in Sabah may be unregistered if they are not born in a hospital, and/or their parents are unable to produce the necessary documents at the National Registration Department. Policy work has emphasised that such '*de facto*' statelessness<sup>36</sup> renders individuals extremely vulnerable (Blitz and Lynch, 2011; UNHCR, 2012; Child Rights Coalition Malaysia, 2012; Kingston et al., 2010). Researching migrant children in Sabah, Allerton (2013) notes:

.... in a sense, being Bajau or Suluk transcends national boundaries, as they have historically always been people on the move. They [migrant children] do not necessarily even feel 'foreign' as they consider Sabah to be their homeland. They know that they are different to those people with IC [Malaysian Identity Cards], but they still consider themselves as people "from here" [Sabah].

In Malaysia, the legal constraints upon citizenship and nationality are highly exclusionary. Despite the existence of international mandates on statelessness (United Nations Conventions Relating to the Status of Stateless Persons, 1954, and on the Reduction of Statelessness, 1961), Malaysia is not a signatory to either. Allerton's observations exemplify the fact that, despite not being formally recognised by the Malaysian state, many stateless and undocumented people, especially children, consider no other place but Sabah as their home.

As '*de jure*' stateless,<sup>37</sup> the Sama Dilaut are one of the most marginalised groups of people in Malaysia. With no legal bond of nationality between state and individual, their statelessness renders them vulnerable to exploitation and abuse. They face numerous difficulties in their daily lives including difficulty proving their identity, and obstacles such as accessing education and affordable healthcare, fear of arrest and detention, issues of tenure and abode, restricted mobility and limited livelihood options (Hope, 2000; Olsen, 2009; The International Observatory on Statelessness, 2013). Furthermore, as seen in Sabah, 'their marginalisation can create tensions in

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<sup>36</sup> '*de facto*' statelessness applies to 'someone who is outside the country of his or her nationality and is unable or for valid reasons unwilling to avail him- or herself of the protection of that country' (UN Convention Relating to the Status of Stateless Persons (1954) Article 1(1)).

<sup>37</sup> '*de jure*' statelessness applies to 'anyone who is not considered a national by any State under the operation of its law' (UN Convention Relating to the Status of Stateless Persons (1954) Article 1(1)).

society and lead to instability at an international level, including, in extreme cases, conflict and displacement' (UNHCR, 2010).

Consequently, regarding environmental conservation, participation of stateless people in research activities has been limited and they are usually under-represented in public forums and interpretations of resource decline formulated by outsiders, epitomised by conservation programmes such as the CTI (Clifton, 2009). Sather (1997) also cites this lack of legitimacy to access and use of resources in their traditional place of abode. Despite their historical connections with the wider Sulu-Sulawesi region, including eastern Borneo and the Semporna islands, many Sama Dilaut now find themselves stateless and living in areas where resource use, extraction and access are restricted by legislation.

## CHAPTER 4: PERCEPTIONS AND PROCESSES WHICH PERPETUATE STATELESSNESS

This final chapter focuses on the existence of forces resulting from statelessness which sustain the marginalisation of the Sama Dilaut in MPA management. In Sabah, marine conservation managers, already coping with the complicated nexus of local politics and the pressure for economic growth from tourism and aquaculture, face the additional challenge of accommodating a sizable non-Malaysian population whose members depend largely on access to marine resources for their basic livelihood needs. For Sabah Parks, the TSMP is a significant challenge as it is the first Marine Park in Malaysia to accommodate a local community who live in the Park and use its resources.<sup>38</sup>

### 4.1 Outside forces

Although Sabah Parks became the official management authority for TMSP in 2004, their capabilities were initially constrained by the minimal budget available. At first, inadequate infrastructure, and low levels of education and training of staff further compounded a weak management structure. The biggest test, however, was the disputes with various stakeholder groups, many of whom felt that they had been insufficiently informed about plans for the Park.

#### Access and Uses of Natural Resources

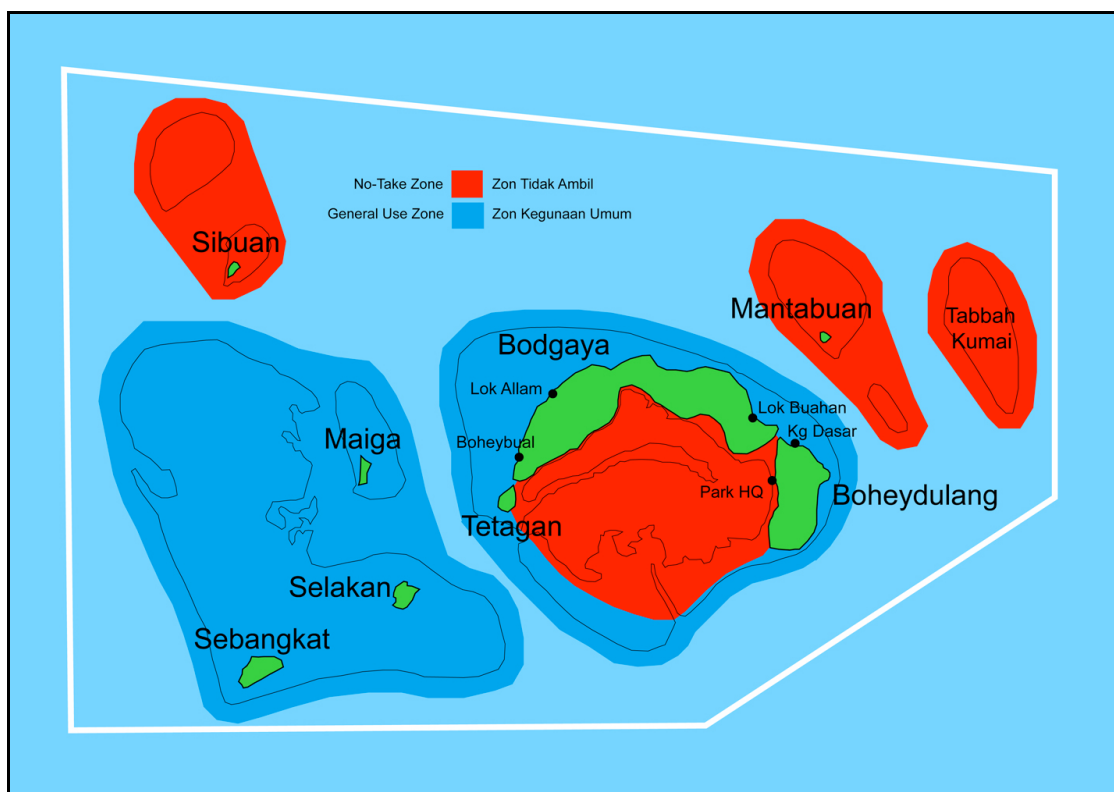
The Management Plan for the Park made recommendations for the whole Park to be 'zoned' for different uses (including No Take Zones (NTZs) where no extraction of any sort would be allowed). The objectives of zoning were to promote conservation of biodiversity, allow for sustainable use, minimise potentially conflicting activities and make management more straightforward (Wood, 2001: 79-86). The rationale for the zoning plan was largely ecological, and designed to redress the damage to ecosystems, in particular the legacy of decades of fish bombing, and preserve the

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<sup>38</sup> The Crocker Range Park, a terrestrial park on the west coast of Sabah and under the management of Sabah Parks, was gazetted in 1984. It includes a Community Use Zone (CUZ) as a provision for communities who were resident in the Park prior to its gazettelement.

value of the area for future generations. It was recognised that the introduction of NTZs would have an impact on livelihoods, therefore one of the objectives of SIP was to develop options for 'alternative' livelihood initiatives in order to entice people away from extractive behaviours and provide sustainable sources of income. Such initiatives are yet to be realised however, and in the absence of sources of subsistence or income aside from fishing, the effects of the NTZs are now being acutely felt by the Sama Dilaut who find themselves in the vulnerable position of living in 'a state within a state' (Gustave and Borchers, 2008: 193).

**Map 5. No Take Zones in the Tun Sakaran Marine Park**



Source: Semporna Islands Project (2008) (unpublished)

Tourism is an important economic driver for Sabah and the Sabah Tourism Masterplan of 1996 strongly endorsed the Marine Park concept for Semporna and the range of tourism opportunities that it would provide (Wood, 2001: 80; SEDIA, 2007: 34). Provision for tourism development is now occupying an increasing amount of space on islands around Semporna and thus the islands and reefs in the Park have acquired new value. Tourism to the area has boomed and nowadays Park residents

share the islands with dozens of visitors and fishermen share the reefs with SCUBA divers. In the last few years, several national and international broadcast productions have also featured the Park and its inhabitants.

Despite the projection that 'visitor fees' would generate substantial revenue, they are yet to be introduced and currently people living in the Park feel little tangible benefit from tourism. As in Indonesia, it is likely that people live in the TSMP perceive 'the institutionalization of conservation practice as something that others profit from' (Anderson, 2013).

Benjaminsen and Bryceson (2012) have used the lens of dispossession to discuss marine conservation in Tanzania as a form of 'primitive accumulation', with regards to how spaces and resources are opened up for accumulation through the combination of tourism and conservation. The expression 'blue grabbing' is used to describe the process by which the tourism and conservation value of pristine tropical islands and reefs is compromised by the presence of local people (Benjamin and Bryceson, 2012: 336). Restrictions to access and the lack of recognition of people's use rights are one means through which the stateless Sama Dilaut are sidelined in MPA management. Access to and ownership of marine resources are defined by the state, 'fetishised' by more powerful actors, including those with economic interests such as tourism players.

Nevertheless, from its inception in 1998, SIP did recognise the importance of engaging a wide range of stakeholders, especially marginalised groups such as the Sama Dilaut, in discussions about the regulations and management of the Park, and was committed to facilitating interactions through carefully designed activities and consultations. A report on the 'Socio-Economic Profile of Marine Resource Users in the Tun Sakaran Marine Park' (MCS and Sabah Parks, 2004) emphasises this commitment:

An additional community programme was also carried out, specifically involving the Bajau Laut. This group are amongst the heaviest users of marine resources, relying on fish, shells and other produce for family consumption or sale, and having few other

means of making a living. They are sometimes marginalised because they are nomadic and do not own land, but in terms of Park management, it is vital that their activities and needs are fully considered, and that they understand the objectives for the Park (MCS and Sabah Parks, 2004: 14)

The role of NGOs is vitally important in facilitating meaningful participation by all stakeholders. In the case of TSMP, an international collaborative project encompassing a core partnership between the Sabah government (Sabah Parks) and a UK charity (MCS), SIP held an interstitial position as a 'broker' between stakeholders including various community groups (Mosse, 2005). Reflecting upon the stance of SIP, the Project Leader recalled: 'if they were there [in the Park], they were almost certainly using the resources in some way (even just for shelter/place to stay) and were therefore [considered to be] a part of the Park' (Elizabeth Wood pers. comm.).

Another prominent international conservation organisation working in Semporna is the World Wide Fund for Nature (WWF). Since 1980, WWF-Malaysia has been active in the area they now refer to as the Semporna Priority Conservation Area (PCA) and were part of the collaborative efforts of the initial Semporna Islands Project (1998-2001) and the establishment of TSMP. WWF-Malaysia made a larger commitment to the Semporna area in 2007 with their vision to 'facilitate the collaborative management of coral reefs and adjacent ecosystems with tourism and fisheries' (WWF-Malaysia website). As with SIP, WWF-Malaysia work with all stakeholders impacted by their conservation agenda. However, while conservation organisations such as SIP and WWF endeavour to clarify ownership of and access to resources, they do not have the artisanal fishers themselves as a priority. Thus, the vulnerability of the Sama Dilaut is further exacerbated by the position of institutions who do not recognise their status.

Due to its location in the Coral Triangle, environmental conservation is a dominant focus for NGOs working in Semporna. Consequently, there is considerably less attention given to social or humanitarian issues. Malaysia's '*Wawasan* (Vision) 2020'

is the ideal by which date the country will have achieved developed nation status. Yet, despite the Malaysian government's rhetoric of 'growth with equity', acknowledging the issues facing stateless people living within its borders might not fit with its predictive model for development (EPU Malaysia, 2013).

Nevertheless, one NGO focused on the provision of basic education for children who might not otherwise receive it due to distance, poverty or legal status is the Borneo Child Aid Society (BCAS).<sup>39</sup> In Semporna they operate 'learning centres' where the majority of the students are Sama Dilaut. However, as an international NGO providing education for non-Malaysians, they have faced numerous obstacles to their mission. The Director of BCAS disclosed that in April 2011, the Semporna District Officer instructed the Society, under the guise of an investigation into operating permits, to close their learning centres. In fact, there was strong political opposition to non-Malaysian children receiving education and closure of the learning centres was part of the District Office's plan to relocate the Sama Dilaut population from the islands in the district (Torben Venning, pers. comm.) The vision of Semporna held by the District Officer is one of significant revenue from tourism and seaweed farming, and the presence of the Sama Dilaut on the valuable islands is regarded as an inconvenience.<sup>40</sup> Ironically, it is the Semporna District Office which officiates the annual Regatta Lepa-Lepa, a festival celebrating the 'unique lifestyle [of] the Bajau Laut ethnic community, the major dwellers in Semporna' (Malaysia Footsteps, 2013).

### **The changing conditions of citizenship**

Ambiguities abound over the status of the Sama Dilaut in Sabah. At an International Conference on Bajau-Sama Communities (ICBC), held in Sabah in 2004, the Governor spoke about the Bajau-Sama communities in the state as 'part of Sabah's cultural mosaic' (ICBC, 2004), yet in 2013 they were referred to a 'problem to be solved' as

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<sup>39</sup> <http://www.borneochildaid.org/>

<sup>40</sup> During a Semporna Tourism Council Meeting I attended in March 2010, the District Officer was asked how much pressure from tourism and seaweed farming he thought Semporna could sustain. In reply, he stated that he believed there should be no limit to tourism development in his district – the more the better – and the same for seaweed production.

their presence ‘tarnishes the image of the [Lahad Datu] district’ (Borneo Post, 2013c). Meanwhile, there is a developing market of ‘photography safaris’ to TSMP. Snap-happy photographers pay considerable fees to tour companies who bring them to islands where they can capture the lifestyle of an ‘exotic tribe of sea gypsies’ (the Sama Dilaut), described in the tour company’s marketing material as ‘very friendly and helpful, and good model too (*sic*) for photography with just some sweets’ (Semporna Photography Tour website, 2013).<sup>41</sup> The paradoxical position of the Sama Dilaut fuels a ‘grey industry’ focused on promises to procure documentation for them. As stateless people in Malaysia, many wish for the recognition that would, for example, protect them from arbitrary arrest and enable them to receive affordable healthcare.

SIP’s inclusive approach to community involvement in the Park was initially endorsed by senior management at Sabah Parks, reflected during a state-level stakeholder meeting in 2006. At that time, the then Director of Sabah Parks appeared supportive of initiatives to involve all people living temporarily or permanently in the area (regardless of ethnicity or legal status), in Park management, and he encouraged their recognition as legitimate resource users. It was recorded in the Minutes of that meeting: ‘He [the former Director] expressed great sympathy with the position of the Bajau Laut [Sama Dilaut] and said that now is the time to address their status. He added that they are in a similar position to the Iraqi and Turkish Kurds’ (Brunt et al., 2006). However, time has passed, and the Sama Dilaut remain in precarious position of uncertain status because of the divergent opinions held by officials and others. Although they are led to believe in possible routes to citizenship, these never materialise, and the likelihood of a stand on statelessness from the Malaysian government has further diminished in the wake of the incursion of Sabah by Sulu rebels. Moreover, unable to adequately represent themselves, the Sama Dilaut are in effect merely granted the opportunity to provide ‘additional input’ on pre-determined Park management decisions, rendering them ‘voiceless’ and ‘consultation’ a ‘modified top-down interventionist’ approach disguised as ‘community participation’ (Gustave and Borchers 2008: 194).

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<sup>41</sup> <http://www.semporna-photography-tour.com/>

### Public perceptions

Despite their significance (and perhaps resulting from it) there is considerable public and political opposition to the inclusion of Sama Dilaut in discussions on conservation management. At a Stakeholder workshop in 2005, one of the '*pewaris*' (heirs or land-claimants) of the Park commented:

The Sama Dilaut are not original people of Sabah. They are from the Philippines. We must make them 'modern' until they understand what is allowed and what is not [referring to the proposed regulations for the Park]. They must learn about religion, education and living in a house. Can Sabah Parks help to put the Bajau Laut in a special place? Sabah Parks must deal with the issue.

'Non-Malaysians' (whether irregular migrants or stateless persons) are frequently the subject of negative public attitudes, prejudice and discrimination, compounded by media reports which demonise them as a source of crime, wanton environmental destruction<sup>42</sup> and over-extraction of resources (*Borneo Post*, 2013). Social scientists at Universiti Malaysia Sabah have stated quite explicitly, 'One bitter fact when discussing about the locals and the immigrants is that we (the locals) need them but at the very same time we despise them' (Wan Hassan et al., 2010). This type of commentary perpetuates widespread anti-migrant sentiments currently rife in Sabah, as witnessed at the RCI. However, while this commentary is not conducive to a balanced understanding of the everyday lives of non-Malaysians, especially stateless people, living in the country, supporting their case is not going to gain political credits for any political party in Malaysia.

The potential for economic gain through land development on the islands in the Park is often dominant to the potential impact on (and the interests of) the Sama Dilaut population living there. This was illustrated in the narrative of Nurlisa, a Sama Dilaut lady who, along with her family, had lived on an island in the Park for over six years. During fieldwork she recounted the events of May 2012 when her family, along with five other households, were forcibly displaced from the island that they regarded as home. Their houses were burnt down by a *pewaris* because they had not vacated his

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<sup>42</sup> Borneo Post (2013) *Foreigners using bombs to fish in Miri, claim locals*, 15 July 2013.

land (which he had leased to a businessman for tourism development) as instructed. This case highlights how political patronage can undermine some regulations for the Park (such as the requirement for permission from Sabah Parks prior to any building development on the islands), given that the motivation of the *pewaris* (Sama Kubang), namely his personal economic gain, correlated more closely with those of the tourism developer, while he felt no solidarity with the Sama Dilaut, with whom he shared a maritime history and heritage.

Although, in the Management Plan for the Park there were recommendations for the establishment of an Advisory Committee, as well as a Local Community Forum (LCF) comprised of government, non-government and community representatives, so far neither has been formed due to uncertainty over who is acknowledged as being 'official' local community members. In Semporna, identities are contextual and, often with political backing, are used strategically to either to stake claims (such as land or use rights), or to exclude others. In the language of 'the Other', 'us' and 'them', 'insider' and 'outsider' are used to deny people, such as the Sama Dilaut, status. Identities depend on physical borders and residency in some cases, on origin or social difference in others (Foell, 1999: 30; Li, 2007). Despite the rhetoric of involvement from Sabah Parks, in reality, the Sama Dilaut are excluded from participation in either the Advisory Committee or the 'Local Community Forum'. In the discourse on ethnicity as a subjective identity, in Malaysia there is new paradigm of indigeneity as a dichotomy (indigenous versus non-indigenous). Distinctions between 'local' and 'non-local' and the wider anti-migrant sentiment that they engender, are likely to directly affect the everyday lives of non-Malaysian and stateless people living in Sabah for a long time to come (Hirschman, 2013).

## **4.2 Inside Forces**

### **Reconcile, Redefine or Move Away**

An historical tradition of life afloat has meant that the Sama Dilaut are often exposed to danger. Like many marginal groups, the Sama Dilaut have traditionally been dependent on patron-client relationships and protection from land-based rulers such

as the Tausug/Suluk or Sama Darat (Land Sama) (Bottignolo, 1995: 12). Such patronage may have imbued a general feeling of powerlessness to resist state interventions. Although the Sama Dilaut have an inherent familiarity with the seascape, the 'zoning' of a park for example is an abstract concept for people who regard the sea as a 'space which can be mapped but never captured in conventional cartographies and obtains meaning only when practiced and fully lived' (Soja, 1999: 276 in Nolde, 2009: 16). Furthermore, as highlighted by Sather (1997: 56-57), it is crucial to note, however, that fishing grounds were traditionally viewed by the Sama Dilaut as an 'unowned resource'. However, as stateless people in Malaysia, they have tended to adapt to, rather than resist, social or environmental changes that carry negative impacts on their established livelihoods. As traditionally mobile people, the Sama Dilaut have also tended to move on and compensate for the loss of livelihoods in one area by searching for alternative and safe fishing grounds elsewhere. Echoing Scott's (2009: 10) observations of mainland Southeast Asia, increasingly in Semporna reefs and islands are become 'enclosures', the periphery 'colonised' and governed by the state for conservation projects or tourism development.

The Semporna islands are located close to the southern Philippines, an area of political tension, and while rare, kidnappings from the islands have occurred.<sup>43</sup> Malaysian military (often of west Malaysian origin) and General Field Force (Police) have had a presence on islands in the district since 1998 and serve on three-month rotations. Interestingly, during a discussion in July 2013 with Din, a Sama Dilaut man living in the Park, he referred to the good relations they have had with soldiers based on the islands. He mentioned that soldiers have sometimes provided informal schooling for children, and that the Sama Dilaut feel protected from pirates by the presence of the Army.

Nevertheless, their position as stateless people living in the Park, combined with exclusionary regulations has led to an increasing disenchantment with the Park

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<sup>43</sup> The most publicised kidnapping in recent times was in April 2000 when 10 tourists and 11 resort staff were taken by the Abu Sayyaf (one of several militant Islamist separatist groups based in the southern Philippines), from a diving resort on Sipadan Island (Malaysia) and brought to Jolo island in the Philippines. All hostages were eventually released alive.

Management. On one occasion violence ensued over the interpretation of regulations concerning the harvesting of coconuts. The Sama Dilaut living on an island in the Park claimed to have the permission of the 'landowner' to collect coconuts and sell them to tourists visiting the island. However, a Park Ranger refuted this claim, calling the Sama Dilaut 'thieves'. It was alleged during a fieldwork discussion that the Ranger slapped the pregnant wife of a man who had harvested coconuts. A soldier who witnessed the incident corroborated the story of the Sama Dilaut, yet they were too afraid travel to Semporna and make a report against the Ranger. It is perhaps understandable that, as an already marginalised stakeholder group, the Sama Dilaut do not seek to engage with the state to further their case for citizenship and thus bring unwanted attention on themselves.

When discussing dealings with the state (including Sabah Parks), the Sama Dilaut often reflect their fatalistic attitude through responses such as 'we are only 'Pala'uh' [Sama Dilaut]. What can we do?'<sup>44</sup> Resignation of their position, and may also have been driven by the seemingly ambiguous or empty promises<sup>45</sup> made by those 'consult' them during so-called participatory processes. For example, applying their inclusive approach to Park management, SIP 'consulted' the Sama Dilaut about the proposed locations for the NTZs in the Park. However, despite voicing and justifying their disagreement with some of the locations, the NTZs were implemented as originally planned, seemingly with no consideration for the opinions of the Sama Dilaut. They may have been seen but they were not heard.

### **Engagement with the state**

It is unremarkable that the Sama Dilaut do not feel a sense of involvement in the management of the Park as the governing institution(s) are so far away from their daily life. They only see the occasional ranger and meetings between Park residents, especially those living in isolated areas, and Park administration have become less frequent, with the exception of outreach and awareness activities designed and

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<sup>44</sup> "*Kami orang Pala'uh saja. Apa boleh buat?*"

<sup>45</sup> The Bahasa Malaysia expression '*janji Melayu*' ('Malay promise') has carries the meaning of an unfulfilled promise

carried out by SIP. Dialogue between stakeholders is often held in the state capital (Kota Kinabalu) or in the Semporna mainland, with those resident in the Park, being 'informed' of the decisions that have been made.

The Malay expression '*kalau Tuhan menolong*' ('if Tuhan helps') is often used by the Sama Dilaut (Hope, 2001: 48). It is not an exact translation of the Arabic '*insya'Allah*' (god-willing), but connotes a similar sense of the power of a 'Supreme Being'. It may also be an acknowledgement their subordinate status and the expectation that, while official institutions may not support the Sama Dilaut, if Tuhan helps, they will endure.

Given their interactions with representatives of the state, be they Sabah Parks rangers who apprehend them for fishing in an NTZ or the Marine Police who arbitrarily confiscate their catch as a 'penalty' for having no boat license, not surprisingly, the Sama Dilaut have few grounds to trust any actions of the state. This wariness leads to self-defence by not engaging with the state and avoiding all potential causes for conflict. Although they may feel that the state never acts in their interests, according to Sather (1997: 208), the Sama Dilaut have long seen themselves as a peaceable, comparatively nonviolent people. In describing themselves, an expression one hears again and again is 'we [Sama Dilaut] fight only with our mouths' (Sather, 1997: 62).

#### **4.3     Discussing the Disconnect**

Tun Sakaran Marine Park has now been gazetted for almost ten years, and although still some way off, the measures that are being introduced such as NTZs, are moving the Park towards achieving its ecological objectives. These accomplishments however, have come at a price. For the stateless Sama Dilaut living in the Park, the territorialisation of the regions that they traditionally moved through, such as TSMP, have made maintaining their traditional autonomy even harder, to the extent that many now consider a return to boat-nomadism. While indigenous rights movements need people to unite behind a common cause, the Sama Dilaut have traditionally

valued independence more than cooperation. During fieldwork in July 2013 I met Dara, a lady I have known for several years and whose family live in a stilt house over the water in the Park. She had just returned from a fishing trip to islands in the Philippines where she and others had been collecting giant clams (a prohibited species in the Park). After selling her yield, her husband had bought materials to build a houseboat, and once completed, they plan to return to a life where they move between fishing grounds (*magosaha*).<sup>46</sup> She admitted to me that 'because we cannot fish in the NTZs, it's the only way I can imagine for us to find enough food to survive. For us now, living on a boat is better than in a house'.

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<sup>46</sup> *Magosaha* is the word the boat-dwelling Sama Dilaut use to explain their movements throughout the seas of the Sulu archipelago. It can be translated as 'seeking a livelihood' or perhaps more precisely 'wanderlust' and the very real necessity to continuously search the seas for sustenance (Nimmo, 2001: 1).

## CONCLUSION

Clifton and Majors (2011: 3) have emphasised the paucity of information available to assist conservation practitioners seeking to engage with the Sama Dilaut and related ethnic groups on environmental issues. Certainly my analysis of the nexus of participation, stakeholders and statelessness has revealed that environmental management is a complex domain involving power constellations, and competing demands for natural resources as well as equitable benefit sharing. The ability of different stakeholder groups to communicate their views is a vital component of the process. However, in the case of TSMP, a significant MPA in Malaysia, a disjuncture has emerged between the management body and the Sama Dilaut, a key stakeholder group.

How this is manifest on the ground is revealed through my case study of the Sama Dilaut. I have shown that their vulnerable position is driven by various barriers to meaningful participation in NRM which overlook the unique aspect of their statelessness. These barriers include physical, economic, political and social exclusion from society, yet conservation NGOs and the state continue to impose their agendas on these marginalised maritime people. By analysing the construction of 'success' in MPA management, I have exposed the interstitial position of conservation NGOs as 'brokers' who mediate between the emic perspectives of resource users and the etic perspective of the state and MPA management authorities.

Direct links between NRM and statelessness are difficult to establish, and although this dissertation recognises the serious ecological threats to the planet and the magnitude of the challenges facing conservationists, it also highlights the complex phenomenon of statelessness that has remained hidden for too long. It urges for the recognition of stateless people by both the state and resource managers involved in decision-making processes. It encourages reflection by conservationists who formulate and implement policies, on the complex social dynamics and personal dimensions at a locale emphasising once again the advantages of the inclusion of anthropology in conservation.

For the Sama Dilaut – a people in limbo - their future is uncertain. Eastern Sabah and the Sulu region face ongoing political instability and security issues. For the last few decades, Sabah has been regarded as a safe haven from the sectarian and secessionist violence in the Philippines. Today however, nostalgia for a nomadic boat-dwelling life is growing amongst the Sama Dilaut of Sabah. Sather (1997: 332) notes that in the late 1960s, boat-nomadism was disappearing from everywhere in maritime Southeast Asia. Many of the Sama Dilaut in Semporna today are descendents of those first ‘refugees’ who abandoned their moorages, fled the fighting in Sulu and filtered southward, seeking security and a new life in Sabah. Conducting fieldwork at the same time, Nimmo (1986; 2001) also refers to the exodus from Sulu, citing economic decline, population pressure and the introduction of *agar-agar* (seaweed) cultivation in Sulu, resulting in the colonisation of reefs and inshore shallows by land-based groups, including the Tausug. The destruction of coral reefs, declining fish stocks, and the construction of seaweed drying platforms meant the loss by the Sama Dilaut of their traditional fishing grounds and anchorage sites, forcing many to retreat to their boats and to migrate. Referring to his experiences in the 1970s, Sather (1997: 333) concluded that ‘for ... ‘refugees’ and the dispossessed of Sulu – boat nomadism, whatever its past significance, has taken on a new lease of life and new meaning in the present’.

As Sather (1997) and Nimmo (2001) evocatively documented the factors which drove the Sama Dilaut from Sulu to Sabah fifty years ago, this dissertation is in part a record of the present day pressures facing the Sama Dilaut living in an MPA, some of whom are returning to their boats and migrating once again. History appears to be repeating itself. Although the Sama Dilaut may be ‘seen’ in the context of photography ‘safaris’ and documentaries of their lifestyle, they are not ‘heard’ by those whose decisions affect their lives, and thus they remain peripheral in every sense of the word.

This dissertation challenges us to acknowledge the existence of forces which sustain their vulnerability as people without a place to call their own, in the hope that the Sama Dilaut can look to the future without fear. However, much work remains to be

done in terms of developing a full understanding of the phenomenon of statelessness and building the required capacity to address it. Through this dissertation, I hope I have made a small contribution.

## **Appendix 1. Information Form**

University of Sussex logo/address

### **Project Title: Stateless Stakeholders: Seen But Not Heard?**

Date: xxxxx

Dear Participant,

You are being asked to participate in a project conducted through the Department of Anthropology, School of Global Studies at the University of Sussex, UK by Miss Helen Brunt that involves research. The researcher is required to receive your free prior informed consent before you participate in this project.

Miss Helen Brunt will explain to you in detail: (1) the purpose of the project; (2) what you will be asked to do and how long your participation will last; (3) how your personal information, if collected, will be kept confidential; (4) the possible risks; and (5) potential benefits of participation.

Your participation in this research is completely voluntary. You are entitled to refuse to participate or withdraw at any time without prejudice or negative consequences. There will be no penalties or loss of benefits or services to which you are otherwise entitled. If you decide to participate and then withdraw or skip a question, there are also no penalties or loss of benefits or access to services. Whether or not you choose to participate in this project will have no effect on your relationship with Miss Helen Brunt or the University of Sussex now or in the future.

A basic explanation of the project is written below. Please read this explanation and discuss it with Miss Helen Brunt. Feel free to ask questions to help you understand the project.

After any questions you may have are answered, and you decide to participate in the research, please sign on the last page of this form in the presence of the person who explained the project to you. A copy of this form will be given to you to keep.

#### **1. PROJECT PURPOSE:**

To identify personal narratives of migration in the Coral Triangle area. To understand further the implications of living in a protected area for stateless or undocumented peoples.

#### **2. EXPLANATION OF PROCEDURES:**

There will be several questions for you to answer in an open discussion format. The approximate time to complete this interview is one hour.

#### **3. CONFIDENTIALITY:**

Your name will not be associated with your responses and you will not be identified as a participant, unless you give me clear instructions to use your name.

#### **4. COMPENSATION:**

You will not receive any compensation by participating in this interview.

#### 5. BENEFITS:

This interview will help us to better understand the position of undocumented and stateless people living in protected areas.

#### 6. RISKS:

There are no known risks to you in participating in this interview. You may refuse to answer any questions and you can stop the interview at any time.

#### 7. CONSENT:

I have read the above information about the project: 'Stateless Stakeholders: Seen But Not Heard?' and have been given an opportunity to ask questions. I agree to participate in this project, and I have been given a copy of this consent document.

\_\_\_\_\_  
Signature of Participant

Date \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Participant

\_\_\_\_\_  
Signature of Research Representative

Date \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Research Representative

The dated approval stamp in the header of this consent form indicates that this project has been reviewed and approved by the University of Sussex Research Ethics Review Board. Contact the Research Ethics Coordinator on XXXXXX if you have any questions about: (1) the conduct of the project, or (2) your rights as a research participant, or (3) a research-related injury.

Any other questions about the research project should be directed to:

**Investigator:** Miss Helen Brunt (MA Anthropology of Development & Social Transformation)

**Email:** [H.Brunt@sussex.ac.uk](mailto:H.Brunt@sussex.ac.uk)

**Tel:** +60-12-836-2902 (in Malaysia)  
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**Supervisor:** Dr. Elizabeth Harrison (Senior Lecturer in Anthropology)

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